

REMARKS

Non-Responsive Amendment

The Office Communication alleges Applicants' reply filed on January 20, 2005, is not fully responsive to the prior Office Action because the claims were amended to allegedly encompass originally non-elected claims. The Office Communication alleges a typographical error in the restriction requirement dated September 30, 2002, incorrectly described the subject matter encompassed by each Group of claims. The Communication further states, "Accordingly, it has been determined that claims 34-40, as amended, are directed to a new invention that is also otherwise encompassed within the subject matter of non-elected Group I...." See page 2, Office Communication dated April 12, 2005.

In Applicants' original response to the Restriction Requirement, Applicants canceled claims 1-8, 25-26, 29-32 and 33 without prejudice and elected claims 9-24 and 27-28 (Group II) for further prosecution. Subsequently, Applicants canceled claims 9-24 and 27-28, and added new claims 34-40. See Supplemental Amendment dated May 20, 2004. This Amendment was acknowledged and entered. See Office Action dated August 5, 2004. The Claims Listing submitted herewith reflects the verbatim form of the claims as submitted in the Supplemental Amendment dated May 20, 2004, which represents the present pending claims in this application.

In response to the Office Action dated August 5, 2004, Applicants amended claims 34-40. See Amendment dated October 27, 2004. The Amendment was not entered because it was deemed not fully responsive due to allegedly being directed to non-elected subject matter of Group I. See Office Communications dated January 7, 2005 and April 12, 2005.

Applicants do not acquiesce to any of the allegations set forth in the above-referenced Office Communications, nor to any outstanding rejections or objections made in the prior Office Action. However, solely to expedite prosecution of the claimed subject matter, Applicants hereby resubmit claims 34-40, directed to Group II, in the verbatim form in which the claims were acknowledged and entered by the Office Action dated August 5, 2004. Applicants will file a divisional application with previously amended and rejected claims 34-40, allegedly

Application No. 09/912,266
Reply to Office Communication dated April 12, 2005

directed to Group I, simultaneously with filing this Response. Consideration of the pending claims, drawn to originally elected Group II, is herewith requested. Applicants maintain the right to further prosecution of any original subject matter present in this application in a related divisional, continuation, or continuation-in-part application.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



William T. Christiansen, Ph.D.
Registration No. 44,614

WTC:kw

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

594488_1.DOC